

STATE OF MAINE
SUPREME JUDICIAL COURT
AMENDMENTS TO
MAINE RULES FOR THE MAINE ASSISTANCE PROGRAM FOR LAWYERS

2014 Me. Rules 08

Effective: September 1, 2014

All of the Justices concurring therein, the following amendments to the Maine Rules for the Maine Assistance Program for Lawyers are adopted to be effective on the date indicated above. The specific amendments are stated below. To aid in understanding of the amendments, an Advisory Note appears after the text of each amendment. The Advisory Note states the reason for recommending the amendment, but the Advisory Note is not part of the amendment adopted by the Court.

1. Rule 1 of the Maine Rules for the Maine Assistance Program for Lawyers is amended to read as follows:

RULE 1. ESTABLISHMENT OF MAINE ASSISTANCE PROGRAM FOR LAWYERS (MAP)

A. Establishment: There is hereby established a state-wide lawyer assistance program to be known as Maine Assistance Program for Lawyers (or “MAP”) which shall provide immediate and continuing help to lawyers and judges (hereinafter “Members of the legal profession”) and University of Maine School of Law students and applicants for admission to the Bar of the State of Maine (hereinafter “students/applicants”) who suffer from the effects of chemical dependency or mental conditions that result from disease, disorder, trauma or other infirmity and that impair their ability to practice law or serve in a judicial capacity.

B. Purpose: MAP has three purposes:

(1) To protect the interests of clients and the general public from harm caused by impaired lawyers or judges;

(2) To assist impaired members of the legal profession and students/applicants to begin and continue recovery; and

(3) To educate the bench, the bar, and the public to the causes of and remedies for impairments affecting members of the legal profession and students/applicants.

C. Funding and Administration:

(1) MAP shall be funded from assessments made annually on members of the Bar of Maine. Every attorney required to register in accordance with the Maine Bar Rules, other than suspended attorneys, shall pay an annual fee as established by the Court, which shall be paid to the Board of Overseers of the Bar with the registration statement on or before August 31 as required by M. Bar R. 6(a)(1).

(2) MAP shall seek to establish additional private and public sources of funding.

(3) Funding for MAP may also include gifts or bequests from any source and earnings on investments of the MAP fund.

(4) The fiscal year of MAP shall run from July 1 to June 30.

(5) MAP may retain and invest its funds, which may be carried over to future fiscal years.

Advisory Note – August 2014

The rule is amended to include University of Maine School of Law students and applicants for admission to the Bar of the State of Maine among those for whom the Maine Assistance Program for Lawyers shall provide help.

2. Rule 3 of the Maine Rules for the Maine Assistance Program for Lawyers is amended to read as follows:

RULE 3. DIRECTOR OF THE PROGRAM

A. Appointment/Hire: The commission shall recruit, hire, retain, supervise and may terminate the MAP director.

B. Qualifications: The director shall have sufficient experience and training to identify and assist impaired members of the legal profession and to work well with the volunteers. A lawyer is preferred.

C. Duties and Responsibilities: The director's duties and responsibilities shall include but not be limited to the following:

(1) Maintain a telephonic help call line and provide initial response to help line calls;

(2) Help lawyers, judges, law firms, courts and others to identify and intervene with impaired members of the legal profession;

(3) Help members of the legal profession and their families as well as students/applicants to secure counseling and treatment for chemical dependency and mental conditions maintaining current information on available treatment services, both those that are available without charge as well as paid services;

(4) Establish and maintain regular contact with bar associations, bar counsel and other agencies or committees that serve either as sources of referral or resources in providing help;

(5) Establish and oversee monitoring services with respect to recovery of members of the legal profession and students/applicants for whom monitoring is appropriate under Rules 5(E) or 7;

(6) Plan and deliver educational programs for the legal profession and students/applicants with respect to all sources of potential impairment as well as treatment and preventative measures;

(7) Provide information about MAP services to members of the legal profession and their families as well as students/applicants;

(8) Recruit, select, train and coordinate the activities of volunteer lawyers and judges who will provide assistance and provide for their identities and addresses to be generally known to the courts, bar and other appropriate referral entities;

(9) Establish private and public sources of funding for MAP; and

(10) Such other duties and responsibilities established by the commission.

Advisory Note – August 2014

See Advisory Note – August 2014 to Rule 1.

3. Rule 5 of the Maine Rules for the Maine Assistance Program for Lawyers is amended to read as follows:

RULE 5. SERVICES

MAP may provide the following services as the commission determines feasible based upon the available financial, volunteer and other resources:

A. Immediate and continuing assistance to members of the legal profession and students/applicants who suffer from the effects of chemical dependency or mental conditions that result from disease, disorder, trauma or other infirmity and that impair their ability to practice;

B. Planning and presentation of educational programs to increase the awareness and understanding of members of the legal profession and students/applicants to recognize problems in themselves and in their colleagues; to identify the problems correctly; to reduce stigma; and, to convey an understanding of appropriate ways of interacting with affected individuals;

C. Investigation, planning and participation in interventions with members of the legal profession and students/applicants in need of assistance;

D. After care services upon request, by order, or under contract that may include the following: assistance in structuring aftercare and discharge planning; assistance for entry into appropriate aftercare and professional peer support meetings; and assistance in obtaining a primary care physician or local peer counselor; and

E. Monitoring services under Rule 7 or under contract that may include the following: alcohol and/or drug screening programs, tracking aftercare, peer support and twelve step meeting attendance; providing documentation of compliance; and providing such reports concerning compliance by those participating in a monitoring program as may be required by the terms of that program.

Advisory Note – August 2014

See Advisory Note – August 2014 to Rule 1.

4. Rule 6 of the Maine Rules for the Maine Assistance Program for Lawyers is amended to read as follows:

RULE 6. REFERRALS

A. Self-referral: Any member of the legal profession and students/applicants may seek assistance from MAP.

B. Other Referrals: MAP shall receive referrals concerning any member of the legal profession or students/applicants from family members, colleagues, friends, law firms or any other source.

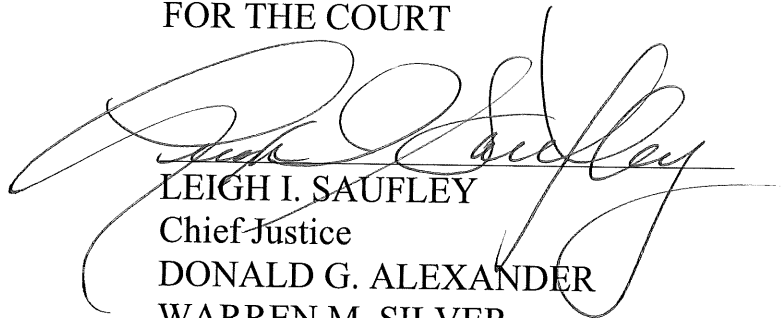
C. Bar Counsel Referrals: MAP shall receive referrals from Bar Counsel of the name of any lawyer or student/applicant whom Bar Counsel determines or believes should be contacted by MAP. This provision shall be construed in a manner consistent with M. Bar R. 7.3(k)(4)(ii). Upon the making of such a referral to MAP by Bar Counsel, the privilege for peer assistance or substance abuse communications set forth in M. Bar R. 7.3(o) shall be applicable.

Advisory Note – August 2014

See Advisory Note – August 2014 to Rule 1.

Dated: August 15, 2014

FOR THE COURT



LEIGH I. SAUFLEY

Chief Justice

DONALD G. ALEXANDER

WARREN M. SILVER

ANDREW M. MEAD

ELLEN A. GORMAN

JOSEPH M. JABAR

JEFFREY L. HJELM

Associate Justices